

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 10-7036**

**September Term, 2010**

FILED ON: OCTOBER 4, 2011

DICK ANTHONY HELLER, ET AL.,  
APPELLANTS

v.

DISTRICT OF COLUMBIA, ET AL.,  
APPELLEES

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Appeal from the United States District Court  
for the District of Columbia  
(No. 1:08-cv-01289)

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Before: GINSBURG, HENDERSON and KAVANAUGH, *Circuit Judges*

**J U D G M E N T**

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that the judgment of the District Court appealed from in this cause is hereby affirmed in part and the case is remanded for further proceedings, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY:

/s/  
Jennifer M. Clark  
Deputy Clerk

Date: October 4, 2011

Opinion for the court filed by Circuit Judge Ginsburg.  
Dissenting opinion filed by Circuit Judge Kavanaugh.